

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.16041 of 2012

Date of decision: 01.07.2015

Dalbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. S.K. Monga, Advocate
for the petitioner.

Mr. Ashish Kapoor, Addl. Advocate General, Haryana

AMOL RATTAN SINGH, J.

1. The petitioner is a retired Chief Engineer from the Irrigation Department of the Government of Haryana, having retired on 30.06.2008. He has challenged the issuance of the charge-sheet issued to him, dated 10.03.2009 (Annexure P-17), and the communication dated 28.06.2012 (Annexure P-25) addressed by the first respondent to the Deputy District Attorney, holding that disciplinary proceedings would lie against a Government servant even when he is acting as an Arbitrator, in a lis between two parties. The petitioner has also challenged the order of the Enquiry Officer, dated 24.07.2012 (Annexure P-27), dismissing two applications filed by the petitioner. By the first, the petitioner sought that

the enquiry proceedings be dropped, because against the award made by him as an Arbitrator, the Government had already availed of its remedy under the Arbitration and Conciliation Act, 1996 (henceforth to be referred to as 'the Act'), by challenging the same before the Civil Court. By the second application, the petitioner had stated that the disciplinary proceedings could not be initiated at the behest of a person with a suspicious conduct, who had acted in an injudicious manner with malafide intention and who was also facing allegations of corruption levelled by five employees working in his own department.

2. Essentially, the petitioner has challenged the disciplinary proceedings initiated against him, charging him with misconducting himself while acting as an Arbitrator, in a dispute raised by a Government Contractor against the State of Haryana, with regard to alleged deficiency in payment to the Contractor, by the State, upon completion of a works contract.

The other orders/letter impugned, arise from the disciplinary proceedings.

He further seeks a writ of mandamus directing the respondents to release the amount of gratuity, leave encashment and commuted pension, as have been withheld by the respondent-State, on account of the pendency of the disciplinary proceedings against him.

3. The petitioner was appointed as an Arbitrator to settle the dispute between the parties, vide an order of the Government (the first respondent) dated 09.08.2007. He had announced the award on 23.06.2008.

In addition to the State of Haryana, which has been impleaded through its Financial Commissioner-cum-Principal Secretary

